

United States District Court

District of Nevada (Reno)

CIVIL DOCKET FOR CASE #: 3:15-cv-00267-HDM-VPC

Computer Sciences Corporation v. Cognizant Technology Solutions U.S. Corporation et al

Date Filed: 05/20/2015

Jury Demand: Plaintiff

Nature of Suit: 190 Contract: Other

Jurisdiction: Diversity

Assigned to: Judge Howard D. McKibben

Referred to: Magistrate Judge Valerie P. Cooke

Case in other court: Second Judicial District Court, County of Washoe,
CV-15-00856

Cause: 28:1441 Petition for Removal– Breach of Contract

Plaintiff

Computer Sciences Corporation

represented by **Ann Morgan**

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V.

Defendant

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Defendant

John Maguire

represented by **Michael J. Sheehan**
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Ankoor Bagchi
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Christopher D Kircher
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ATTORNEY TO BE NOTICED

Lawrence J Semenza , III
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/20/2015	I 1	PETITION FOR REMOVAL <i>OF ACTION UNDER 28 U.S.C. §§ 1332 AND 1441</i> (Filing fee \$ 400 receipt number 0978-3671232), filed by John Macguire, Cognizant Technology Solutions U.S. Corporation. Certificate of Interested Parties due by 5/30/2015. (Attachments: # <u>1</u> Civil

Cover Sheet) (Semenza, Lawrence) (Entered: 05/20/2015)

05/20/2015	¶ 1	Case assigned to District Judge Howard D. McKibben and Magistrate Judge Valerie P. Cooke. (WJ) (Entered: 05/20/2015)
05/20/2015	¶ 2	<p>NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Michael J. Sheehan to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website – www.nvd.uscourts.gov/Forms.aspx.</p> <p>Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website www.nvd.uscourts.gov to register Attorney(s). Verified Petition due by 7/4/2015. (no image attached) (WJ) (Entered: 05/20/2015)</p>
05/20/2015	¶ 3	<p>NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Ankoor Bagchi to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website – www.nvd.uscourts.gov/Forms.aspx.</p> <p>Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website www.nvd.uscourts.gov to register Attorney(s). Verified Petition due by 7/4/2015. (no image attached) (WJ) (Entered: 05/20/2015)</p>
05/21/2015	¶ 4	MINUTE ORDER IN CHAMBERS of the Honorable Judge Howard D. McKibben, on 5/21/2015. Statement regarding removed action is due by 6/8/2015. Joint Status Report regarding removed action is due by 6/23/2015. (Copies have been distributed pursuant to the NEF – KR) (Entered: 05/21/2015)
05/27/2015	¶ 5	MOTION to Dismiss by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. Responses due by 6/13/2015. (Semenza, Lawrence) (Entered: 05/27/2015)
06/02/2015	¶ 6	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 6/2/2015. By Deputy Clerk: LGM. A case management conference is set for 6/24/2015 at 02:00 PM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. Out-of-state and out-of-town counsel shall be allowed to appear telephonically for this hearing and shall advise Lisa Mann at (775)686-5653 at least two (2) days prior of the telephone number at which counsel can be reached for this case management conference. The parties shall jointly file a case management report by no later than the close of business on Monday, June 15, 2015 . See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 06/02/2015)
06/03/2015	¶ 7	Mail Returned as Undeliverable re <u>4</u> Minute Order re Removal, addressed to Michael J. Sheehan. (JC) (Entered: 06/03/2015)
06/04/2015	¶ 8	STATEMENT RE: REMOVAL <i>Removal Statement</i> filed by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 06/04/2015)
06/12/2015	¶ 9	RESPONSE to <u>5</u> Motion to Dismiss, filed by Plaintiff Computer Sciences Corporation. Replies due by 6/22/2015. (Pierce, Shannon) (Entered: 06/12/2015)
06/15/2015	¶ 10	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Computer Sciences Corporation <i>Special Scheduling Review Requested</i> . (Pierce, Shannon) (Entered: 06/15/2015)
06/15/2015	¶ 11	STATUS REPORT <i>Plaintiff's Case Management Report</i> by Plaintiff Computer Sciences Corporation. (Pierce, Shannon) (Entered: 06/15/2015)

06/15/2015	<u>12</u>	STATUS REPORT RE: REMOVAL <i>Defendants' Proposed Case Management Report</i> filed by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 06/15/2015)
06/22/2015	<u>13</u>	REPLY to Response to <u>5</u> Motion to Dismiss filed by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. <i>REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS MOTION TO DISMISS</i> (Semenza, Lawrence) (Entered: 06/22/2015)
06/22/2015	<u>14</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Gayle A. Boone and DESIGNATION of Local Counsel Ann Morgan (Filing fee \$ 250 receipt number 0978-3709309) filed by Plaintiff Computer Sciences Corporation . (Morgan, Ann) (Entered: 06/22/2015)
06/22/2015	<u>15</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Hal S. Sumner and DESIGNATION of Local Counsel Ann Morgan (Filing fee \$ 250 receipt number 0978-3709327) filed by Plaintiff Computer Sciences Corporation . (Morgan, Ann) (Entered: 06/22/2015)
06/22/2015	<u>16</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Justin V. Sumner and DESIGNATION of Local Counsel Ann Morgan (Filing fee \$ 250 receipt number 0978-3709333) filed by Plaintiff Computer Sciences Corporation . (Morgan, Ann) (Entered: 06/22/2015)
06/22/2015	<u>17</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by David C. Schick and DESIGNATION of Local Counsel Ann Morgan (Filing fee \$ 250 receipt number 0978-3709339) filed by Plaintiff Computer Sciences Corporation . (Morgan, Ann) (Entered: 06/22/2015)
06/22/2015	<u>18</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Michael J. Sheehan and DESIGNATION of Local Counsel Lawrence J. Semenza, III (Filing fee \$ 250 receipt number 0978-3709742) by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 06/22/2015)
06/22/2015	<u>19</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Ankoor Bagchi and DESIGNATION of Local Counsel Lawrence J. Semenzaa, III (Filing fee \$ 250 receipt number 0978-3709757) by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 06/22/2015)
06/22/2015	<u>20</u>	STATUS REPORT RE: REMOVAL <i>Joint Status Report</i> filed by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 06/22/2015)
06/23/2015	<u>21</u>	ORDER approving <u>16</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Justin V. Sumner for Computer Sciences Corporation, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)
06/23/2015	<u>22</u>	ORDER approving <u>15</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Hal S. Sumner for Computer Sciences Corporation, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)
06/23/2015	<u>23</u>	

ORDER approving 14 Verified Petition for Permission to Practice Pro Hac Vice for Attorney Gayle A. Boone for Computer Sciences Corporation, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)

06/23/2015	<u>24</u>	ORDER approving <u>17</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney David C. Schick for Computer Sciences Corporation, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)
06/23/2015	<u>25</u>	ORDER approving <u>18</u> Verified Petition for Permission to Practice Pro Hac Vice by Michael J. Sheehan for Cognizant Technology and John Maguire, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)
06/23/2015	<u>26</u>	ORDER approving <u>19</u> Verified Petition for Permission to Practice Pro Hac Vice by Ankoor Bagchi for Cognizant Technology, and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 6/23/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/23/2015)
06/24/2015	<u>27</u>	MINUTES OF PROCEEDINGS – Case Management Conference held on 6/24/2015 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Shannon Pierce and (By telephone) David Schick</i> ; Def Counsel: <i>Ankoor Bagchi and Lawrence Semenza (Both by telephone)</i> ; Court Reporter/FTR #: 2:02:08 – 2:29:46; Time of Hearing: 2:02 p.m.; Courtroom: <i>I</i> ; The Court approves and signs the plaintiff's proposed discovery plan and scheduling order <u>10</u> in open court. Counsel shall file a notice by no later than Wednesday, July 1, 2015 , advising whether they are interested in scheduling monthly case management conferences and/or a settlement conference. See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 06/26/2015)
06/24/2015	<u>28</u>	SCHEDULING ORDER re <u>10</u> Proposed Order. Discovery due by 11/16/2015. Motions due by 12/16/2015. Proposed Joint Pretrial Order due by 1/15/2016. Signed by Magistrate Judge Valerie P. Cooke on 6/24/2015. (Copies have been distributed pursuant to the NEF – KR) (Entered: 06/26/2015)
06/29/2015	<u>29</u>	<p>NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website – www.nvd.uscourts.gov. AO 85 Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website – www.nvd.uscourts.gov. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute</p>

and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). (no image attached) (KR) (Entered: 06/29/2015)

07/01/2015	<u>30</u>	NOTICE Re: <i>Case Management Conferences and Settlement Conference</i> by Computer Sciences Corporation. (Pierce, Shannon) (Entered: 07/01/2015)
07/01/2015	<u>31</u>	NOTICE DEFENDANTS NOTICE REGARDING CASE MANAGEMENT CONFERENCES AND SETTLEMENT CONFERENCE SCHEDULING by Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 07/01/2015)
07/09/2015	<u>32</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 7/9/2015. By Deputy Clerk: LGM. A telephonic status conference regarding plaintiff's notice re: case management conferences and settlement conference <u>30</u> and defendants' notice regarding case management conferences and settlement conference scheduling <u>31</u> is set for 7/16/2015 at 11:30 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. Counsel shall dial 877-336-1829 at least five (5) minutes prior to the hearing to be properly connected into the courtroom. The access code is 2809752 and the security code is 152670716 . IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 07/09/2015)
07/16/2015	<u>33</u>	MINUTES OF PROCEEDINGS – Telephonic Status Conference held on 7/16/2015 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Gayle Boone and Shannon Pierce</i> ; Def Counsel: <i>Ankoor Bagchi and Lawrence Semenza (Both by telephone)</i> ; Court Reporter/FTR #: <i>11:32:26 – 11:41:26</i> ; Time of Hearing: <i>11:32 a.m.</i> ; Courtroom: <i>1</i> ; The Court hears from counsel regarding scheduling case management conferences and/or a settlement conference in this case. If counsel wish to schedule a settlement conference, counsel shall contact the deputy court clerk for a date and file a stipulation requesting a settlement conference. If the Court believes a case management conference is warranted or if the parties request a case management conference, one will be scheduled. See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 07/20/2015)
07/23/2015	<u>34</u>	Mail Returned as Undeliverable re <u>27</u> Miscellaneous Hearing, <u>28</u> Scheduling Order, <u>29</u> Notices, addressed to Michael J Sheehan. (Attachments: # <u>1</u> Re <u>28</u> , # <u>2</u> Re <u>29</u>) (JC) (Entered: 07/23/2015)
07/28/2015	<u>35</u>	MOTION to Stay by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 07/28/2015)
07/28/2015	<u>36</u>	Emergency MOTION to Stay re <u>35</u> Motion to Stay by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. (Semenza, Lawrence) (Entered: 07/28/2015)
07/29/2015	<u>37</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 7/29/2015. The court has reviewed (# <u>36</u>) emergency motion to stay. Plaintiff shall have until 8/4/15 to file a response to defendants <u>36</u> emergency motion to stay. Discovery shall be STAYED until court has ruled on 36. Thereafter court will determine if discovery will be further stayed until (# <u>35</u>) motion to stay is decided. See order for specifics. (Copies have been distributed pursuant to the NEF – BLG) (Entered: 07/29/2015)
08/04/2015	<u>38</u>	RESPONSE to <u>35</u> Motion to Stay, <u>36</u> Motion to Stay, filed by Plaintiff Computer Sciences Corporation. Replies due by 8/14/2015. (Attachments: # <u>1</u> Affidavit)(Pierce, Shannon) (Entered: 08/04/2015)
08/05/2015	<u>39</u>	ERRATA to <u>38</u> Response to <u>35</u> Motion ; filed by Plaintiff Computer Sciences Corporation. (Attachments: # <u>1</u> Exhibit 2 to Affidavit of David Schick)(Pierce, Shannon) Modified on 8/6/2015 link added. (BLG). (Entered: 08/05/2015)
08/10/2015	<u>40</u>	

REPLY to Response to 36 Motion to Stay filed by Defendants Cognizant Technology Solutions U.S. Corporation, John Maguire. *REPLY IN SUPPORT OF EMERGENCY MOTION TO STAY* (Semenza, Lawrence) (Entered: 08/10/2015)

08/10/2015	<u>41</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 8/10/2015, denying <u>36</u> Emergency Motion to Stay. (Copies have been distributed pursuant to the NEF – JC) (Entered: 08/10/2015)
08/10/2015	<u>42</u>	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <u>David Pace, David C. Schick, Gayle A. Boone, Hal S. Sumner, Justin V. Sumner, and Michael J. Sheehan</u> are in violation of Special Order 109. Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006. You are required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Court's website to register for CM/ECF. (no image attached) (JC) (Entered: 08/10/2015)
08/13/2015	<u>43</u>	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel David H. Pace to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website – www.nvd.uscourts.gov/Forms.aspx . Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website www.nvd.uscourts.gov to register Attorney(s). Verified Petition due by 9/27/2015. (no image attached) (BLG) (Entered: 08/13/2015)
08/26/2015	<u>44</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by David H. Pace, Jr. and DESIGNATION of Local Counsel Ann Morgan (Filing fee \$ 250 receipt number 0978-3793114) filed by Plaintiff Computer Sciences Corporation . (Morgan, Ann) (Entered: 08/26/2015)
08/27/2015	<u>45</u>	ORDER approving <u>44</u> Verified Petition for Permission to Practice Pro Hac Vice for David H. Pace, Jr., and approving Designation of Local Counsel. Signed by Judge Howard D. McKibben on 8/27/15. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF – JC) (Entered: 08/27/2015)
09/17/2015	<u>46</u>	STIPULATION FOR EXTENSION OF TIME (First Request) <i>re Extension of Discovery and Related Deadlines</i> by Plaintiff Computer Sciences Corporation. (Pierce, Shannon) (Entered: 09/17/2015)
10/05/2015	<u>47</u>	SCHEDULING ORDER approving <u>46</u> Stipulation. (Discovery due by 1/15/2016. Motions due by 2/15/2016. Proposed Joint Pretrial Order due by 3/15/2016.) Signed by Magistrate Judge Valerie P. Cooke on 10/5/15. (Copies have been distributed pursuant to the NEF – JC) (Entered: 10/06/2015)
10/07/2015	<u>48</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website – www.nvd.uscourts.gov . AO 85 Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.) NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL

SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website – www.nvd.uscourts.gov. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2).

(no image attached) (JC) (Entered: 10/07/2015)

10/09/2015	<u>49</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 10/9/2015, denying <u>35</u> Motion to Stay. (Copies have been distributed pursuant to the NEF – JC) (Entered: 10/09/2015)
11/16/2015	<u>50</u>	Joint STATUS REPORT <i>Joint Interim Status Report</i> by Plaintiff Computer Sciences Corporation. (Pierce, Shannon) (Entered: 11/16/2015)
11/18/2015	<u>51</u>	ORDER – The defendants' # <u>5</u> Motion to dismiss is DENIED . The alternative application to transfer this action to the United States District Court in the District of Virginia is GRANTED . The court will transfer this action to the Eastern District of Virginia. The parties may file any objections to the transfer to the Eastern District of Virginia rather than the Western District of Virginia on or before November 23, 2015 . Transfer of this action will be stayed pending the filing of any timely objections. Should no objections be filed the action will be transferred on November 25, 2015. Signed by Judge Howard D. McKibben on 11/18/2015. (Copies have been distributed pursuant to the NEF – DRM) (Entered: 11/18/2015)
11/25/2015	<u>52</u>	ORDER transferring case to Eastern District of Virginia. Signed by Judge Howard D. McKibben on 11/25/15. (Copies have been distributed pursuant to the NEF – JC) (Entered: 11/25/2015)